

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1113 be amended to read as follows:

- 1 Page 2, line 4, reset in italics "insurance adjustment".
- 2 Page 2, line 4, delete "administration".
- 3 Page 2, between lines 6 and 7, begin a new line block indented and
- 4 insert:
- 5 **"(12) A court administration fee under IC 33-37-5-27."**
- 6 Page 2, line 30, delete "judicial" and insert "**court**".
- 7 Page 2, line 31, delete "IC 33-37-5-25" and insert "**IC 33-37-5-27**".
- 8 Page 3, line 29, reset in italics "insurance adjustment".
- 9 Page 3, line 29, delete "administration".
- 10 Page 3, between lines 31 and 32, begin a new line block indented
- 11 and insert:
- 12 **"(18) A court administration fee (IC 33-37-5-27)."**
- 13 Page 5, line 12, reset in italics "insurance adjustment".
- 14 Page 5, line 12, delete "administration".
- 15 Page 5, between lines 14 and 15, begin a new line block indented
- 16 and insert:
- 17 **"(14) A court administration fee (IC 33-37-5-27)."**
- 18 Page 6, line 31, reset in italics "insurance adjustment".
- 19 Page 6, line 31, delete "administration".
- 20 Page 6, between lines 33 and 34, begin a new line block indented
- 21 and insert:
- 22 **"(12) A court administration fee (IC 33-37-5-27)."**
- 23 Page 7, line 26, reset in italics "insurance adjustment".
- 24 Page 7, line 26, delete "administration".
- 25 Page 7, between lines 28 and 29, begin a new line block indented
- 26 and insert:
- 27 **"(8) A court administration fee (IC 33-37-5-27).**
- 28 **(9) A service fee (IC 33-37-5-28)."**
- 29 Page 7, line 33, strike "from the party filing the action both of".
- 30 Page 7, strike lines 35 through 37, begin a new line block indented
- 31 and insert:
- 32 **"(1) From the party filing the action:**

1 (A) a small claims costs fee of thirty-five dollars (\$35); and
 2 (B) a small claims service fee of ten dollars (\$10) for each
 3 named defendant.

4 **(2) From any party adding a defendant, a small claims service**
 5 **fee of ten dollars (\$10) for each defendant added in the**
 6 **action."**

7 Page 8, line 8, reset in italics "insurance adjustment".

8 Page 8, line 8, delete "administration".

9 Page 8, between lines 10 and 11, begin a new line block indented
 10 and insert:

11 **"(7) A court administration fee (IC 33-37-5-27)."**

12 Page 8, line 31, reset in italics "insurance adjustment".

13 Page 8, line 31, delete "administration".

14 Page 8, between lines 33 and 34, begin a new line block indented
 15 and insert:

16 **"(7) A court administration fee (IC 33-37-5-27)."**

17 Page 9, delete lines 26 through 42.

18 Page 12, between lines 3 and 4, begin a new paragraph and insert:

19 "SECTION 13. IC 33-37-5-27 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) This subsection does not**
 22 **apply to the following:**

23 (1) A criminal proceeding.

24 (2) A proceeding to enforce a statute defining an infraction.

25 (3) A proceeding for an ordinance violation.

26 **In each action filed in a court described in IC 33-37-1-1 and in each**
 27 **small claims action in a court described in IC 33-34, the clerk shall**
 28 **collect a court administration fee of two dollars (\$2).**

29 **(b) In each action in which a person is:**

30 (1) convicted of an offense;

31 (2) required to pay a pretrial diversion fee;

32 (3) found to have committed an infraction; or

33 (4) found to have violated an ordinance;

34 **the clerk shall collect a court administration fee of two dollars (\$2).**

35 SECTION 14. IC 33-37-5-28 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2005]: **Sec. 28. (a) Except as provided in**
 38 **subsection (c), this section applies to a civil action in which the**
 39 **clerk is required to collect a civil costs fee under IC 33-37-4(a).**

40 **(b) The clerk shall collect the following:**

41 (1) From the party filing the civil action, a service fee of ten
 42 dollars (\$10) for each additional defendant named other than
 43 the first named defendant.

44 (2) From any party adding a defendant, a service fee of ten
 45 dollars (\$10) for each defendant added in the civil action.

46 **(c) This section does not apply to an action in which service is**
 47 **made by publication in accordance with Indiana Trial Rule 4.13."**

- 1 Page 12, line 15, strike "IC 33-37-4-6(a)(1)" and insert
- 2 "**IC 33-37-4-6(a)(1)(A)**".
- 3 Page 14, line 2, after "under" insert "**IC 33-37-4-6(a)(1)(B) or**".
- 4 Page 14, line 8, reset in italics "judicial branch insurance".
- 5 Page 14, line 9, reset in italics "adjustment account established by
- 6 IC 33-38-5-8.2".
- 7 Page 14, line 9, delete "state general fund".
- 8 Page 14, line 10, reset in italics "insurance adjustment".
- 9 Page 14, line 11, delete "administration".
- 10 Page 14, between lines 17 and 18, begin a new line block indented
- 11 and insert:
- 12 "**(3) IC 33-37-5-27 (court administration fees).**".
- 13 Page 14, line 18, delete "(3)" and insert "**(4)**".
- 14 Page 14, between lines 18 and 19, begin a new paragraph and insert:
- 15 "**(1) The proceeds of the service fee collected under IC 33-37-5-28**
- 16 **shall be distributed as follows:**
- 17 **(1) The clerk shall distribute one hundred percent (100%) of**
- 18 **the service fees collected in a circuit, superior, county, or**
- 19 **probate court to the county auditor for deposit in the county**
- 20 **general fund.**
- 21 **(2) The clerk shall distribute one hundred percent (100%) of**
- 22 **the service fees collected in a city or town court to the city or**
- 23 **town fiscal officer for deposit in the city or town general**
- 24 **fund.**".
- 25 Page 14, line 29, strike "IC 33-37-4-6(a)(1)" and insert
- 26 "**IC 33-37-4-6(a)(1)(A)**".
- 27 Page 14, line 37, strike "IC 33-37-4-6(a)(1)" and insert
- 28 "**IC 33-37-4-6(a)(1)(A)**".
- 29 Page 15, line 3, strike "IC 33-37-4-6(a)(1)" and insert
- 30 "**IC 33-37-4-6(a)(1)(A)**".
- 31 Page 15, line 42, reset in italics "judicial branch".
- 32 Page 16, line 1, reset in italics "insurance adjustment account
- 33 established by IC 33-38-5-8.2".
- 34 Page 16, line 1, delete "state".
- 35 Page 16, line 2, delete "general fund".
- 36 Page 16, line 2, reset in italics "insurance".
- 37 Page 16, line 3, reset in italics "adjustment".
- 38 Page 16, line 3, delete "administration".
- 39 Page 16, between lines 15 and 16, begin a new line block indented

- 1 and insert:
- 2 **"(2) IC 33-37-5-27 (court administration fees)."**
- 3 Page 16, line 16, delete "(2)" and insert **"(3)"**.
- 4 Renumber all SECTIONS consecutively.
(Reference is to EHB 1113 as printed April 1, 2005.)

Senator LAWSON C